

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NISSAN NORTH AMERICA, INC.,
and NISSAN MOTOR CO., LTD.,

Plaintiffs,

CIVIL ACTION NO. 05 CV 71126 DT

v.

MAGISTRATE JUDGE VIRGINIA MORGAN

AUDI AG, and VOLKSWAGEN
OF AMERICA, INC. d/b/a AUDI
OF AMERICA, INC.,

Defendants.

**ORDER ON MOTION TO
ENFORCE SETTLEMENT AGREEMENT**

This matter is before the court on Plaintiff's Motion to Enforce Settlement Agreement (D/E 70) filed February 24, 2006. Three issues were identified by Nissan in its Motion to Enforce Settlement Agreement. After review of the pleadings, discussion with counsel on March 10, 2006, and review of the Settlement Agreement, IT IS ORDERED as follows:

1) Response to Press Article: The parties will prepare and send a joint letter to the editor of Automotive News with a copy to the reporter, acknowledging that Audi will not name any vehicle with a Q beyond the Audi Q5 and Audi Q7. Counsel shall attempt to resolve similar issues in the future, if any arise, between themselves in a spirit of cooperation before presenting the matter to the court.

2) Website use of “Q ” alone: Three sentences begin “The Q in the name . . .” While the use of “Q” there may violate the Agreement, the court is more concerned with the implication of a Q line. Therefore, the sentences beginning with “The Q in the name” shall be rewritten to eliminate the solitary Q.

3) Logo in Website: The court finds that Audi’s websites substantially comply with the settlement agreement with the exception of the downloadable wallpaper with the Q7 logo alone. The wallpaper must have Audi added prominently or delete the wallpaper option.

No costs, no damages, no injunction, and no attorney fees.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: March 17, 2006

PROOF OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court’s ECF System and/or U. S. Mail on March 17, 2006

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan